

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
	:
THE PENSION COMMITTEE OF THE	:
UNIVERSITY OF MONTREAL PENSION	:
PLAN, <i>et al.</i> ,	:
	:
Plaintiffs,	: 1:05-CV-09016 (SAS) (FM)
	:
- against -	:
	:
BANC OF AMERICA SECURITIES, LLC, <i>et al.</i> ,	:
	:
Defendants.	:
	:
-----X	

**NOTICE OF PLAINTIFFS' MOTION
IN LIMINE TO EXCLUDE EVIDENCE OF
SPOILIATION BY NEGLIGENT PLAINTIFFS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion *In Limine* to Exclude Evidence of Spoliation by Negligent Plaintiffs and all prior pleadings and proceedings in this action, plaintiffs, by their undersigned counsel, will move this Court before the Honorable Shira A. Scheindlin, at the United States Courthouse, 500 Pearl Street, Courtroom 15C, New York, New York, 10007, for entry of an order excluding from evidence at trial all evidence concerning the document collection and preservation efforts of, and any spoliation or alleged spoliation by, plaintiffs The Altar Fund, Pension Committee of the Pension Plan for the Regime De Retraite De La Corporation De L'Ecole Polytechnique, Okabena Marketable Alternatives Fund, LLC, the Corbett Family Charitable Foundation, Commonfund Global Hedged Partners, LLC, Kuwait and Middle East Financial Investment Company and the Pension Committee of the University of Montreal Pension Plan, and granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
February 8, 2010

FRIEDMAN KAPLAN SEILER &
ADELMAN LLP

s/ Scott M. Berman

Scott M. Berman (sberman@fklaw.com)

Anne E. Beaumont

Amy C. Brown

Robert S. Landy

Andrew S. Pak

1633 Broadway

New York, New York 10019

(212) 833-1100

Attorneys for Plaintiffs